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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/819,497   | 03/28/2001  | Pamela S. Yegge      | P04838US0               | 4781             |
| 22885  | 7590        | 08/13/2004           | EXAMINER                |                  |
| MCKEE, VOORHEES & SEASE, P.L.C.<br>801 GRAND AVENUE<br>SUITE 3200<br>DES MOINES, IA 50309-2721 |             |                      | KALINOWSKI, ALEXANDER G |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 3626                    |                  |

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,497

Applicant(s)

YEGGE ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/28/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant filed an amendment on 10/29/2003 canceling claims 1-20 and 22-37.

Applicant further filed a request for continuing examination on 6/28/2004. In light of Applicant's amendment of claim 21, the Examiner withdraws the grounds of rejection of claim 21 based on 35 USC 103. New grounds of rejection of claim 21 are established in the instant office action as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments that the Schneider reference is not prior art, the Schneider reference claims priority to provisional application 60/226,857 filed 8/22/2000 and therefore qualifies as a 102(e) prior art reference (see MPEP 706.02(a) and 35 USC 102). Therefore, the Schneider reference qualifies as prior art.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, Pub. No. 2002/0103688 in view of "The Andersons, Inc. Licenses Software

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to American Agrisurance Farmers Gain Powerful new Marketing Tool” (hereinafter Andersons).

As to claim 21, Schneider discloses A new computer-implemented method for providing integrated financial management services to a crop producer (see abstract) comprising:

providing crop insurance services to the producer, including an evaluation of the proper level of crop insurance where the producer is neither overinsured nor underinsured such that the proper level is used by the crop producer (see paragraph 17);

providing financial management services, including an ongoing analysis of break even points and profitability, the ongoing analysis based in part on the proper level of crop insurance (see paragraph 16 and paragraph 23);

updating the ongoing analysis of break even points and profitability with the sales contracts executed by the producer (see paragraph 23)

presenting a computer generated output to the crop producer showing results from the integrated financial management services, the results including analysis of break even points and profitability (paragraph 25)

Schneider does not explicitly disclose

integrating the crop insurance services, financial management services, and marketing services and

providing marketing services, including an evaluation as to the profitability of a potential sales contract based upon current data from the financial management services, such that sales contracts are executed by the producer

However, Andersons discloses software for developing Marketing plans for farmers to best suit their objectives (see press release). Andersons discloses integrating the crop insurance services, financial management services, and marketing services (see press release). Andersons further discloses using the software to provide marketing services (see press release). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the integrated services and marketing services software as disclosed by Andersons within Schneider for the motivation of helping farmers make increasingly complex decisions to succeed in their business (page 1).

### ***Conclusion***

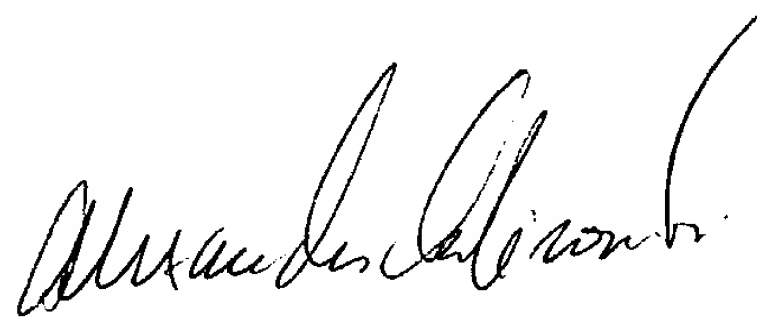
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. "Cargill AGHorizons ..." discloses software that analyzes marketing and crop insurance needs.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

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telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alexander Kalinowski

Primary Examiner

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7/26/04